



**U.S. Department of Commerce**  
National Oceanic and Atmospheric Administration



**Agency**

**U.S. Environmental Protection**

Mr. Jim Rue, Director  
Department of Land Conservation and Development  
635 Capitol St. NE, Suite 150  
Salem, Oregon 97301-2540

Mr. Dick Peterson, Director  
Department of Environmental Quality  
811 SW 6<sup>th</sup> Ave.  
Portland, Oregon 97204-1390

Dear Directors Rue and Peterson:

The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) are writing to inform you that we have found that Oregon has failed to submit a fully approvable coastal nonpoint program under Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). Specifically, NOAA and EPA find that Oregon has failed to satisfy the additional management measures for forestry condition set forth in the *Findings for the Oregon Coastal Nonpoint Program*, transmitted to the State on January 13, 1998. This letter transmits a copy of the determination document that explains why the Federal agencies have found that Oregon has failed to satisfy this condition.

While Oregon has made progress addressing many of the conditions placed on its program, NOAA and EPA were not able to find that Oregon has satisfied the condition related to additional management measures for forestry.

This decision was made after careful consideration of the public comments received on the federal agencies' December 20, 2013 proposed decision, as well as Oregon's March 2014 submission. NOAA and EPA will announce this decision in the Federal Register. We anticipate the announcement to be published on or about January 30, 2014. You also can find a copy of this decision document and the response to comments on NOAA's website at <http://coast.noaa.gov/czm/pollutioncontrol/>.

Please note that while NOAA and EPA are only basing this decision on Oregon's failure to satisfy the additional management measures for forestry condition, that does not necessarily mean Oregon has fully met all other CZARA program requirements and that no further action will be needed to address other CZARA management measures. While NOAA and EPA had previously given Oregon "interim" approvals for many of the other CZARA management measures, the agencies noted that these were only preliminary decisions pending public comment. If and when NOAA and EPA believe that Oregon has met all CZARA requirements, then the public will be provided an opportunity to comment on the proposed decision to fully approve the state's coastal nonpoint program, as well as the rationale for such a decision. Information the public provides during the comment period may cause NOAA and EPA to reassess an earlier "interim" decision or request Oregon to provide additional information or clarification.

NOAA and EPA recognize the challenges Oregon faces in developing a fully approvable coastal

nonpoint program. We are committed to continuing to work with you and your staff to address the remaining conditions so that full funding to the state can be restored. If you have any questions regarding the agencies' decision, please contact Jeff Payne at 846-740-1207 or Dennis McLerran at 206-553-1234; or have your staff contact Joelle Gore (NOAA) at 301-563-1178, or Christine Psyk (EPA) at 206-553-1906.

Sincerely,

Jeff Payne, Acting Director  
Office for Coastal Management  
National Oceanic and Atmospheric  
Administration

Dennis McLerran, Regional Administrator  
Region 10  
U.S. Environmental Protection Agency

Enclosure: NOAA/EPA Final Determination for the Oregon Coastal Nonpoint Program

cc: Ms. Patty Snow, DLCD  
Mr. Eugene Foster, DEQ



U.S. Department of Commerce  
National Oceanic and Atmospheric Administration



Agency

U.S. Environmental Protection

Mr. Jim Rue, Director  
Department of Land Conservation and Development  
635 Capitol St. NE, Suite 150  
Salem, Oregon 97301-2540

Mr. Dick Peterson, Director  
Department of Environmental Quality  
811 SW 6<sup>th</sup> Ave.  
Portland, Oregon 97204-1390

Dear Directors Rue and Peterson:

The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) are writing to inform you that we have found that Oregon has failed to submit a fully approvable coastal nonpoint program under Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). Specifically, NOAA and EPA find that Oregon has failed to satisfy the additional management measures for forestry condition set forth in the *Findings for the Oregon Coastal Nonpoint Program*, transmitted to the State on January 13, 1998. This letter transmits a copy of the determination findings document that explains why the Federal agencies have found that Oregon has failed to satisfy this condition.

While Oregon has made progress addressing many of the conditions placed on its program, NOAA and EPA were not able to find that Oregon has satisfied the condition related to additional management measures for forestry.

This decision was made after careful consideration of the public comments received on the federal agencies' December 20, 2013 proposed decision, as well as Oregon's March 2014 submission. NOAA and EPA will announce this decision ~~and the agencies' response to the public comments received on this proposed decision~~ in the Federal Register. We anticipate the announcement to be published on or about January 30, 2014. You also can ~~also~~ find a copy of this decision document and the response to comments on NOAA's website at <http://coast.noaa.gov/czm/pollutioncontrol/>.

~~Per CZARA, since NOAA and EPA have found that Oregon has failed to submit a fully approvable coastal nonpoint program, NOAA must withhold 30 percent of the funding the Oregon Department of Land Conservation and Development receives under Section 306 of the Coastal Zone Management Act which supports implementation of the state's coastal management program. EPA also must withhold 30 percent of the funding it provides the Oregon Department of Environmental Quality under Section 319 of the Clean Water Act which supports implementation of the state's nonpoint source program. NOAA and EPA will begin withholding these funds at the start of your FY 2015 awards on July 1, 2015. NOAA and EPA will continue to withhold 30 percent of the funding Oregon receives under these two programs each year until EPA and NOAA determines that Oregon has a fully approvable coastal nonpoint program.~~

Please note that while NOAA and EPA are only basing this decision on Oregon's failure to satisfy the additional management measures for forestry condition, that does not necessarily mean Oregon has fully met all other CZARA program requirements and that no further action will be needed to

address other CZARA management measures. While NOAA and EPA had previously given Oregon “interim” approvals for many of the other CZARA management measures, the agencies noted that these were only preliminary decisions pending public comment. If and when NOAA and EPA believe that Oregon has met all CZARA requirements, then the public will be provided an opportunity to comment on the proposed decision to fully approve the state’s coastal nonpoint program, as well as the rationale for such a decision. Information the public provides during the comment period may cause NOAA and EPA to reassess an earlier “interim” decision or request Oregon to provide additional information or clarification.

NOAA and EPA recognize the challenges Oregon faces in developing a fully approvable coastal nonpoint program. We are committed to continuing to work with you and your staff to address the remaining conditions –so that full funding to the state can be restored. If you have any questions regarding the agencies’ decision, please contact Jeff Payne at 846-740-1207 or Dennis McLerran at 206-553-1234; or have your staff contact Joelle Gore (NOAA) at 301-563-1178, or Christine Psyk (EPA) at 206-553-1906.

Sincerely,

Jeff Payne, Acting Director  
Office for Coastal Management  
National Oceanic and Atmospheric  
Administration

Dennis McLerran, Regional Administrator  
Region 10  
U.S. Environmental Protection Agency

Enclosure: NOAA/EPA Final Determination Finding for the Oregon Coastal Nonpoint Program

cc: Ms. Patty Snow, DLCD  
Mr. Eugene Foster, DEQ